

FILED

Apr 26 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QUINTARA BIOSCIENCES, INC.,

Plaintiff,

v.

RUIFENG BIZTECH INC., et al.,

Defendants.

Case No. 20-cv-04808-WHA (TSH)

**ORDER TO SHOW CAUSE; ORDER
RESCHEDULING IN-PERSON
SETTLEMENT CONFERENCE**

The Court's November 28, 2022 "**AMENDED ORDER SCHEDULING SETTLEMENT CONFERENCE IN PERSON HEARING**" stated that "[t]he settlement conference is scheduled for **April 26, 2023 at 10:00 a.m., IN PERSON, in Courtroom G. 15th Floor, 450 Golden Gate Avenue, San Francisco, CA.**" ECF No. 289 at 1. The order reiterated that "**Counsel and Parties must attend the settlement conference IN-PERSON.**" *Id.* at 3. Please note that the bold, all caps and underlining were in the order. The Court later changed the courtroom where the settlement conference was to take place, stating "[t]he in-person settlement conference on April 26, 2023, at 10:00 a.m., will take place in **Courtroom E**, not G, on the 15th floor." ECF No. 293.

Twenty minutes after midnight this morning, defense counsel filed a request to attend the settlement conference remotely. ECF No. 294. The request stated, incorrectly, that the Court's order at ECF No. 289 stated that the settlement conference would be by Zoom. Defense counsel stated that she resides in Arizona and had canceled her plans to appear in person. Sure enough, Plaintiff's counsel, Plaintiff's representatives, and Defendants and Defendant's representatives were here in Courtroom E this morning, but Defendants' counsel was not present. It hardly needs explaining that a settlement conference cannot proceed without defense counsel present. Neither

1 is it fair to allow Defendants' counsel to appear remotely when everyone has been ordered to
2 appear in person, and when Plaintiff's counsel has complied with that order. Accordingly, the
3 Court **ORDERS** Defendants' counsel Reshma Kamath to **SHOW CAUSE** why she should not be
4 sanctioned for her failure to appear at today's in-person settlement conference. The Court
5 **ORDERS** Plaintiff to file a declaration by May 1, 2023, itemizing the attorneys' fees and other
6 expenses Plaintiff incurred in appearing for the settlement conference today. Defense counsel's
7 response to this OSC is due May 4, 2023, and should explain why she should not be ordered to
8 compensate Plaintiff for those expenses and pay a \$100 sanction to the Clerk of Court.

9 The Court **RESCHEDULES** the in-person settlement conference for May 5, 2023, at
10 10:00 a.m. in Courtroom E, 15th floor, 450 Golden Gate Avenue, San Francisco, CA. As a
11 reminder, this settlement conference is **IN PERSON**, meaning that the parties and counsel have to
12 be there.

13 **IT IS SO ORDERED.**

14
15 Dated: 4/26/2023

16 

17 THOMAS S. HIXSON
18 United States Magistrate Judge